

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**SCANNING TECHNOLOGIES
INNOVATIONS LLC,**

Plaintiff,

vs.

PEGASUS U.S.A., LLC,

Defendant.

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Case No:

PATENT CASE

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT

Pursuant to F.R.C.P. 15(a)(1)(B), Plaintiff Scanning Technologies Innovations, LLC (“Plaintiff” or “STI”) files this Original Complaint against Pegasus, U.S.A., LLC (“Defendant” or “Pegasus”) for infringement of United States Patent No. 9,934,528 (hereinafter “the ‘528 Patent”).

PARTIES AND JURISDICTION

1. This is an action for patent infringement under Title 35 of the United States Code. Plaintiff is seeking injunctive relief as well as damages.

2. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents) because this is a civil action for patent infringement arising under the United States patent statutes.

3. Plaintiff is a Florida limited liability company with its principal office located at 1 E Broward Blvd STE 700 Ft Lauderdale FL 33301.

4. On information and belief, Defendant is a New Jersey limited liability company having a place of business at 180 Talmadge Rd., Suite 688, Edison, NJ 08817. On information and belief, Defendant may be served at 180 Talmadge Rd., Suite 688, Edison, NJ 08817.

5. On information and belief, this Court has personal jurisdiction over Defendant

because Defendant has committed, and continues to commit, acts of infringement in this District, has conducted business in this District, and/or has engaged in continuous and systematic activities in this District.

6. On information and belief, Defendant's instrumentalities that are alleged herein to infringe were and continue to be used, imported, offered for sale, and/or sold in this District.

VENUE

7. Venue is proper in this District 28 U.S.C. §1400(b) because Defendant is deemed to reside in this district. Alternatively, acts of infringement are occurring in this District and Defendant has a regular and established place of business in this District.

COUNT I **(INFRINGEMENT OF UNITED STATES PATENT NO. 9,934,528)**

8. Plaintiff incorporates paragraphs 1 through 7 herein by reference.

9. This cause of action arises under the patent laws of the United States and, in particular, under 35 U.S.C. §§ 271, *et seq.*

10. Plaintiff is the owner by assignment of the '528 Patent with sole rights to enforce the '528 Patent and sue infringers.

11. A copy of the '528 Patent, titled "Systems and Methods for Indicating the Existence of Accessible Information Pertaining to Articles of Commerce," is attached hereto as Exhibit A.

12. The '528 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

13. Upon information and belief, Defendant has infringed and continues to infringe one or more claims, including at least Claim 1, of the '528 Patent by making, using, importing, selling, and/or offering for sale a point of sale system and app covered by one or more claims

of the '528 Patent. Defendant has infringed and continues to infringe the '528 Patent directly in violation of 35 U.S.C. § 271.

14. Defendant sells, offers to sell, and/or uses an online ordering system including, without limitation, the Pegasus Phomello POS point-of-sale system, Phomello app, and any similar products (collectively, "Product"), which infringe at least Claim 1 of the '528 Patent.

15. The Product practices a system (e.g., Pegasus Phomello POS) for indicating an existence of a link (e.g., indication of existence of a link obtained by selecting a checkbox of "Available in Point of Sale i.e. inventory tracking in POS") to information pertaining to an article of commerce (e.g., products sold through POS). Certain aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.

Phomello Cloud Restaurant POS Software:

After years of experience, a perfect solution Phomello Cloud Restaurant POS Software has been designed for standalone to Enterprise level restaurant chains. Phomello Cloud Point-of-Sale have unique features like online / offline KDS, Table order and Order Taking modules which are fully integrated with local and cloud on android OS.

Retail Shop:

Phomello LitePOS is a great solution for Small business owners and Kirana Shops. The lightweight and portable Phomello LitePOS device allow shop owners to manage inventory, track sales, store vendor contacts and customer details, issue discounts, customize GST tax and email or print digital receipts efficiently. The easy to use Phomello LitePOS device has a friendly user interface which minimizes training cost of staff members.

Shop owners and Retail chains can also use the LitePOS system effortlessly by integrating it with their ERP and databases. Cloud back office helps to gain real-time information about inventory, stock levels and customer preferences. Provide a digital experience to your customers and gain their loyalty. Phomello LitePOS is sure to gain you more customers and better return on investment.

Source: <https://www.phomello.com/phomello-restaurant-pos-cloud-system/>

Source: <https://www.phomello.com/strategies-success-pos>

16. The Product comprises a mobile device (e.g., iPad, etc.) running Pegasus POS and a portable handheld housing (e.g., Pegasus PS-3256) and a communication interface configured to enable the mobile device to communicate with a communication network (e.g., communication interface of the mobile device enabling communication

over Internet). Certain aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.



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Source: <https://manualzz.com/doc/32284345/about-phomello-android-cloud-features>

Source: <https://www.phomello.com/phomello-restaurant-pos-cloud-system/>

17. The Product uses a signal processing device (e.g., processor of iPad mobile device) which enables the communication network access (i.e. Internet) and includes a visual input device (i.e., bar code scanner). Certain aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.



Source: <https://manualzz.com/doc/32284345/about-phomello-android-cloud-features>

Source: <https://www.phomello.com/phomello-restaurant-pos-cloud-system/>

18. The Product includes a visual input device (Pegasus PS3256_ supported by the Pegasus Phomello POS system and affixed within the portable handheld housing. Certain aspects of this element are illustrated in the screenshots provided in connection with other allegations herein.



Source: <https://www.pegasustech.net/>



Source: <https://www.phomello.com/gallery>

20. The Product also includes a cloud server accessed by Pegasus Phomello POS with the cloud communication network (e.g., Internet). The cloud server comprises a server database (e.g., cloud database that stores information corresponding to products) configured to store a look-up table (e.g., the cloud database) which includes the details (e.g., quantity in stock, barcode- 3434310030179, etc.) related to corresponding item (e.g., Light Tuna Sandwich). Certain aspects of this element are illustrated in the screenshots below and/or

those provided in connection with other allegations herein.

Phomello Cloud Restaurant POS Software:

After years of experience, a perfect solution Phomello Cloud Restaurant POS Software has been design for standalone to Enterprise level restaurant chains. Phomello Cloud Point-of-Sale have unique features like online / offline KDS, Table order and Order Taking modules which are fully integrated with local and cloud on android OS.

The screenshot displays the Phomello Cloud Restaurant POS Software interface. The top section shows recipe details for 'Dresseddelli - 115000010011'. The 'Barcode' field is highlighted with a red box, showing the value '3434310030179'. Below this, the 'Ingredients' section is also highlighted with a red box, showing a table of items used in the recipe.

Item Name	Item Code	Unit	Item Qty	Unit Cost	Line Total
White Cheese	105002	KILOGRAM	0.0060	0.1700	0.0020
Black Seed Olives	101068	KILOGRAM	0.0050	1.1440	0.0060
Mayonnaise Gallon 3780 ML	101051	LITTER	0.0080	0.1810	0.0020
Lemon	105006	KILOGRAM	0.0050	0.7290	0.0040
Black Pepper Crushed	101005	KILOGRAM	0.0010	2.5000	0.0020
Soft Salt	103021	KILOGRAM	0.0010	0.0650	0.0001
Kuwait Var Lettuce Mesclunmix	105050	KILOGRAM	0.0060	1.6040	0.0100
Pickle	101070	KILOGRAM	0.0030	0.1520	0.0020

Source: <https://www.phomello.com/phomello-restaurant-pos-cloud-system/>













Source: <https://www.phomello.com/gallery>

21. The look-up (e.g., the cloud database accessed by Pegasus Phomello POS) also stores a plurality of information link indicators (e.g., “Available in Point of Sale i.e. inventory tracking in POS”) to information pertaining to an article of commerce (e.g., barcode number, quantity in stock, etc.). Certain aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.

Retail Shop:

Phomello LitePOS is a great solution for Small business owners and Kirana Shops. The lightweight and portable Phomello LitePOS device allow shop owners to manage Inventory, track sales, store vendor contacts and customer details, issue discounts, customize GST tax and email or print digital receipts efficiently. The easy to use Phomello LitePOS device has a friendly user interface which minimizes training cost of staff members.

Shop owners and Retail chains can also use the LitePOS system effortlessly by integrating it with their ERP and databases. Cloud back office helps to gain real-time information about inventory, stock levels and customer preferences. Provide a digital experience to your customers and gain their loyalty. Phomello LitePOS is sure to gain you more customers and better return on investment.

Device Code	Item Code	Item Name	Barcode	SKU	Is Active	Modified Date	Action
357514424548947	1031	Aloo Mutter Mix	0	1031	Yes	02-08-2017 13:08	 
357514424548947	1032	Bhindi Masala	0	1032	Yes	02-08-2017 13:08	 
357514424548947	1033	Dal Tadka	0	1033	Yes	02-08-2017 13:08	 
357514424548947	1034	Dal Fry	0	1034	Yes	02-08-2017 13:08	 
357514424548947	1025	Mushroom Paneer	0	1025	Yes	02-08-2017 13:08	 
357514424548947	1026	Mutter Mushroom Paneer	0	1026	Yes	02-08-2017 13:08	 
357514424548947	1027	Sev Tamatar	0	1027	Yes	02-08-2017 13:08	 
357514424548947	1032	Bhindi Masala	0	1032	Yes	02-08-2017 13:08	 

Source: <https://www.phomello.com/strategies-succes-pos>

Source: <https://www.phomello.com/gallery>

22. Each information link indicator configured in Pegasus Phomello POS (e.g., indication of existence of a link obtained by selecting a product name of “Available in Point of Sale i.e., inventory tracking in POS”) is associated with a respective symbology (e.g., barcode e.g., 3434310030179) and article of commerce (e.g., Light Tuna Sandwich). Certain aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.

Retail Shop:

Phomello LitePOS is a great solution for Small business owners and Kirana Shops. The lightweight and portable Phomello LitePOS device allow shop owners to manage inventory, track sales, store vendor contacts and customer details, issue discounts, customize GST tax and email or print digital receipts efficiently. The easy to use Phomello LitePOS device has a friendly user interface which minimizes training cost of staff members.

Shop owners and Retail chains can also use the LitePOS system effortlessly by integrating it with their ERP and databases. Cloud back office helps to gain real-time information about inventory, stock levels and customer preferences. Provide a digital experience to your customers and gain their loyalty. Phomello LitePOS is sure to gain you more customers and better return on investment.

The screenshot displays the Phomello LitePOS software interface for managing recipes. The main form includes fields for Company Name, Brand Name, Menu Name, Recipe Category, Recipe Name (highlighted with a red box), Barcode (highlighted with a red box), and Expiry Days. To the right, there are fields for Unit, Qty, Price, Cost, Budget Cost, Packing, Status (Active/Inactive), and Inventory Rule. Below the main form is a table titled 'Ingredients' listing various items with their codes, units, quantities, and costs.

Item Name	Item Code	Unit	Item Qty	Unit Cost	Line Total
White Onions	105002	KILOGRAM	0.0060	0.3700	0.0020
Black Sliced Olives	101068	KILOGRAM	0.0050	1.5440	0.0080
Mayonnaise Gallon 3780 ML	101051	LITTER	0.0080	0.2810	0.0020
Lemon	105006	KILOGRAM	0.0050	0.7390	0.0040
Black Pepper Crushed	103005	KILOGRAM	0.0010	2.5000	0.0030
Soft Salt	103023	KILOGRAM	0.0010	0.0650	0.0001
Kuwait Var Lettuce Mesclunmix	105050	KILOGRAM	0.0060	1.6040	0.0100
Pickle	101070	KILOGRAM	0.0030	0.5520	0.0020

Source: <https://www.phomello.com/strategies-sucess-pos>

Source: <https://www.phomello.com/gallery>

23. Each information link indicator (e.g., “Available in Point of Sale i.e. inventory tracking in POS” is configured as a status signal indicating the existence or absence of a link to information pertaining to a respective article of commerce (e.g., indicating whether link to information corresponding to inventory item is available or not). The link is made to the information via the communication network (e.g., link to information about the product in POS is accessed using the Internet (i.e., in association with the cloud server database). Certain

aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.

Device Code	Item Code	Item Name	Barcode	SKU	Is Active	Modified Date	Action
357514424548947	1031	Aloo Mutter Mix	0	1031	Yes	02-08-2017 13:08	 
357514424548947	1032	Bhindi Masala	0	1032	Yes	02-08-2017 13:08	 
357514424548947	1033	Dal Tadka	0	1033	Yes	02-08-2017 13:08	 
357514424548947	1034	Dal Fry	0	1034	Yes	02-08-2017 13:08	 
357514424548947	1025	Mushroom Paneer	0	1025	Yes	02-08-2017 13:08	 
357514424548947	1026	Mutter Mushroom Paneer	0	1026	Yes	02-08-2017 13:08	 
357514424548947	1027	Sev Tamatar	0	1027	Yes	02-08-2017 13:08	 
357514424548947	1032	Bhindi Masala	0	1032	Yes	02-08-2017 13:08	 

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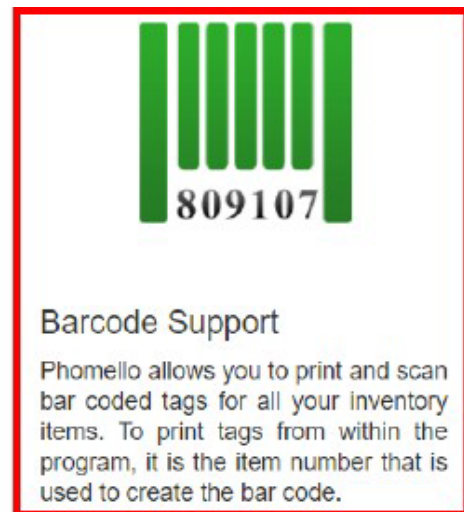
Source: <https://www.phomello.com/strategies-succes-pos>

Source: <https://www.phomello.com/phomello-restaurant-pos-cloud-system/>

Source: <https://www.phomello.com/gallery>

24. The visual input device (e.g., barcode reader) accessed by Pegasus PhomelloPOS is configured to scan an image of an article of commerce (e.g., scan barcode associated

with a product) and decode the image to obtain a symbology (e.g., decode barcode of the product) and forward data from the scanned image to the signal processing device. Certain aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.



Source: <https://www.pegasustech.net/>

Source: <https://www.phomello.com/phomello-restaurant-pos-cloud-system/>

25. In Pegasus Phomello POS, in response to receiving the symbology (e.g., barcode), the system displays the availability (i.e., “YES” in “IN ACTIVE” status) or unavailability of product as well as the information link related to the product. The user can see the products with respect to their availability/quantity and during the sale the user can track the inventory. Certain aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.


* Company Name: Dresseddeli - 115000010011
 * Brand Name: dresseddeli - 115000010011
 * Menu Name: Dresseddeli
 * Recipe Category: Light Sandwiches
 Recipe Code:
 Recipe Name (E): **Light Tuna Sandwich**
 Recipe Name (A):
 Description:
 Barcode: **3434310030179**
 Expiry Days: 10
☐ Link Modifier ?

Unit: PIECES
 Qty: 1.0000
 Price: 0.6270
 Cost: 0.1465
 Budget Cost: 0.1448
 Packing: 0.0000
 Status: ☒ Active ☐ Inactive
 Inventory Rule: FIFO with Expiry Date

Ingredients

Item Name	Item Code	Unit	Item Qty	Unit Cost	Line Total
White Onions	105002	KILOGRAM	0.0060	0.3700	0.0020
Black Sliced Olives	101068	KILOGRAM	0.0050	1.5440	0.0080
Mayonnaise Gallon 3780 ML	101051	LITTER	0.0080	0.2810	0.0020
Lemon	105006	KILOGRAM	0.0050	0.7390	0.0040
Black Pepper Crushed	103005	KILOGRAM	0.0010	2.5000	0.0030
Soft Salt	103021	KILOGRAM	0.0010	0.0650	0.0001
Kuwait Var Lettuce Mescalonia	105050	KILOGRAM	0.0060	1.6040	0.0100
Pickle	101070	KILOGRAM	0.0030	0.3520	0.0020

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


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357514424548947	1033	Dal Tadka	0	1033	Yes	02-08-2017 13:08	 
357514424548947	1034	Dal Fry	0	1034	Yes	02-08-2017 13:08	 
357514424548947	1025	Mushroom Paneer	0	1025	Yes	02-08-2017 13:08	 
357514424548947	1026	Mutter Mushroom Paneer	0	1026	Yes	02-08-2017 13:08	 
357514424548947	1027	Sev Tamatar	0	1027	Yes	02-08-2017 13:08	 
357514424548947	1032	Bhindi Masala	0	1032	Yes	02-08-2017 13:08	 

Source: <https://www.phomello.com/gallery>

Source: <https://www.phomello.com/phomello-restaurant-pos-cloud-system/>

26. The signal processing device accessed by Peagasus Phomello POS determines whether or not the link exists without accessing the communication network (e.g., Peagasus Phomello POS works in offline mode without accessing the Internet to determine whether or not the link exists using the information link indicator (i.e. “inventory tracking in POS”). Certain aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.

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Device Code	Item Code	Item Name	Barcode	SKU	Is Active	Modified Date	Action
357534424548947	1031	Aloo Mutter Mix	0	1031	Yes	02-08-2017 13:08	 
357534424548947	1032	Bhindi Masala	0	1032	Yes	02-08-2017 13:08	 
357534424548947	1033	Del Tadka	0	1033	Yes	02-08-2017 13:08	 
357534424548947	1034	Del Fry	0	1034	Yes	02-08-2017 13:08	 
357534424548947	1025	Mushroom Paneer	0	1025	Yes	02-08-2017 13:08	 
357534424548947	1026	Mutter Mushroom Paneer	0	1026	Yes	02-08-2017 13:08	 
357534424548947	1027	Sev Tamatar	0	1027	Yes	02-08-2017 13:08	 
357534424548947	1032	Bhindi Masala	0	1032	Yes	02-08-2017 13:08	 

Source: <https://www.phomello.com/gallery>

Source: <https://www.phomello.com/phomello-restaurant-pos-cloud-system/>

27. Defendant’s actions complained of herein will continue unless Defendant is enjoined by this court.

28. Defendant's actions complained of herein are causing irreparable harm and monetary damage to Plaintiff and will continue to do so unless and until Defendant is enjoined and restrained by this Court.

29. Plaintiff is in compliance with 35 U.S.C. § 287.

JURY DEMAND

23. Under Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff respectfully requests a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff asks the Court to:

- (a) Enter judgment for Plaintiff on this Complaint on all causes of action asserted herein;
- (b) Enter an Order enjoining Defendant, its agents, officers, servants, employees, attorneys, and all persons in active concert or participation with Defendant who receive notice of the order from further infringement of United States Patent No. 9,934,528 (or, in the alternative, awarding Plaintiff a running royalty from the time of judgment going forward);
- (c) Award Plaintiff damages resulting from Defendant's infringement in accordance with 35 U.S.C. § 284;
- (d) Award Plaintiff pre-judgment and post-judgment interest and costs; and
- (e) Award Plaintiff such further relief to which the Court finds Plaintiff entitled under law or equity.

Dated: March 3, 2022.

Respectfully submitted,

/s/ Mark A. Kriegel

MARK KRIEDEL

LAW OFFICE OF MARK A. KRIEDEL, LLC

1479 Pennington Rd.

Ewing, NJ 08618

(609) 883-5133

Fax: (609) 450-7237

mkriegel@kriegellaw.com

ATTORNEYS FOR PLAINTIFF